APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,717	11/21/2001	Victor Wiener	101351-21	1000

21125	7590	11/28/2003	EXAMINER

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EXAMINER
HOOSAIN, ALLAN

ART UNIT	PAPER NUMBER
2645	9

DATE MAILED: 11/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _02 September 2003_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _40-89_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _40-89_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.
    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) ☐ Other: .

FINAL DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United
> States before the invention thereof by the applicant for patent, or on an international application by another who
> has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention
> thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

2. Claims 1-41, 42/40,42/41, 43-46, 47/40,47/41,47/45, 47/46, 48-52, 53/50,53/51,53/52, 54-58,

59/56,59/57, 60-61, 62/60,62/61, 63, 64/60,64/61, 65/60,66/61, 67/60,67/61, 68-71, 72/69,72/70,

73-87, 88/40,88/41,88/45,88/46,88/73,88/79, 89/40,89/41,89/45,89/46,89/73,89/79, rejected

under 35 U.S.C. 102(e) as being anticipated by **Bateman et al**. (US 5,884,032).

As to Claims 40,45-46,50-51,60,70,73,79-87, with respect to Figures 1-3, **Bateman** teaches a

method of establishing a communications call, including:

selecting on-line help agent (a B party) using an interactive device, 4, connected to a

public network, 6 and 9, (Figure 1 and Col. 6, lines 6-13);

accessing called address data for said B party from a public directory of said public

network in response to selecting said B party (Col. 6, lines 31-45);

sending said called address data for said B party and calling address data for a customer

(an A party) to an ACD-MIS system (connection module) of said public network (Col. 6, lines

32-41); and

establishing a call between said A and B parties over said public network using said

connection module and said called and calling address data (Col. 7, lines 5-13).

As to Claims 41,61,69, **Bateman** teaches a method of establishing a communications call,

including:

selecting a B party using an interactive device connected to a public network (Figure 1

and Col. 6, lines 6-13);

searching for called address data for said B party using said interactive device and a

search module of said public network and a database of said public network including called

address data (Col. 6, lines 31-45);

sending said called address data for said B party and calling address data for an A party to

a connection module of said public network (Col. 6, lines 32-41); and

establishing a call between said A and B parties over said public network using said

connection module and said called and calling address data (Col. 7, lines 5-13).

As to Claim 42/40, 42/41, **Bateman** teaches a method as claimed in claims 40 or 41, wherein said interactive device is a computer and/or telephony device including a visual display (Figure 1, label 4).

As to Claim 43, **Bateman** teaches a method as claimed in claim 42, wherein said interactive device is associated with said A party (Figure 1).

As to Claim 44, **Bateman** teaches a method as claimed in claim 43, wherein said interactive device is a communications terminal for said call (Col. 7, lines 5-13).

As to Claims 47/40, 47/41, 47/45, 47/46, **Bateman** teaches a method as claimed in claims 40, 41, 45 or 46, wherein said public network includes a messaging network for connecting a plurality of said interactive device and at least one public telecommunications network, 9, for connecting said A and B parties (Figure 1).

As to Claim 48, **Bateman** teaches a method as claimed in claim 47, wherein said messaging network provides said interactive device with a plurality of B party data (Col. 6, lines 32-45).

As to Claim 49, **Bateman** teaches a method as claimed in claim 47, wherein said messaging network accesses and forwards said called address data to said telecommunications network (Col. 6, lines 31-45).

As to Claims 52,58, **Bateman** teaches an interface as claimed in claim 51, wherein said results

includes called address data for said B party data, and said selected party data includes said

called address data (Col. 6, lines 31-41).

As to Claims 53/50,53/51,53/52, **Bateman** teaches an interface as claimed in claims 50, 51 or 52,

wherein said interface is sent to said interactive device by said public network on request from

said interactive device (Col. 6, lines 1-20).

As to Claims 54-55, **Bateman** teaches an interface as claimed in claim 53, wherein said public

network includes a messaging network, for connecting a plurality of said interactive device, and

at least one public telecommunications network for establishing said call (Figure 1).

As to Claims 56-57,77, with respect to Figure 1, **Bateman** teaches an interface stored on an

interactive device connected to a public network, including:

   code for generating a display on interactive device of B party data (Col. 6, lines 8-20);

   code allowing selection of a B party from said B party data (Col. 6, lines 20-30); and

   code for transmitting to said public network selected party data corresponding to the

selected B party and A party data (Col. 6, lines 25-30);

   whereby said public network accesses called address data for said B party in a public

directory on the basis of said selected party data and establishes a call between an A party and a

B party using said A party data and said called address data (Col. 6, lines 31-55).

As to Claims 59/56,59/57,62/60,62/61,72/69,72/70, **Bateman** teaches an interface as claimed in

claims 56 or 57, wherein said public network includes a TCP/IP messaging network and at least

one public switched telephone network for establishing said call (Figure 1).

As to Claim 63, **Bateman** teaches a system as claimed in claim 61, wherein the access module

includes directory data from said directory database for display by said A party (Col. 6, lines 32-

41).

As to Claims 64/60,64/61, **Bateman** teaches a system as claimed in claims 60 or 61, including a

search module accessible by said A party over said network for searching said directory database

(Col. 6, lines 1-5).

As to Claims 65/60,65/61, **Bateman** teaches a system as claimed in claims 60 or 61, wherein

said call is established with a terminal of the A party which selects said selected B party (Col. 6,

lines 1-5).

As to Claims 66/60,66/61, **Bateman** teaches a system as claimed in claims 60 or 61, wherein

said call is established with a terminal of the A party which is separate from the terminal

selecting said B party (Figure 1, label 2).

As to Claims 67/60,67/61, **Bateman** teaches a system as claimed in claims 60 or 61, wherein the

address data includes a party terminal number and security information (Col. 6, lines 44-50).

As to Claim 68, **Bateman** teaches a system as claimed in claim 67, wherein at least one of the

calling address data and the called address data includes account information (Col. 6, lines 63-60

and 6-8).

As to claim 71, **Bateman** teaches a server as claimed in claim 70, including a directory database

module for accessing directory data, including communications address data, of parties

connected to at least said public network, wherein the communications address data of said

connect message for at least said B party is obtained using said directory database module (Col.

7, lines 43-61).

As to Claims 74,78, **Bateman** teaches a method as claimed in claim 73, wherein the

identification data is page (name data) (Col. 5, lines 15-22).

As to Claim 75, **Bateman** teaches a method as claimed in claim 74, wherein the directory service

is adapted to access a database of URLs (public communications addresses) stored against

respective identification data (Col. 5, lines 15-22).

As to Claim 76, **Bateman** teaches a method as claimed in claim 75, wherein selection of the

displayed element invokes generation of code on the interactive device to generate and send the

first message (Col. 6, lines 14-24).

As to Claims 88/40,88/41,88/45,88/46,88/73,88/79, **Bateman** teaches a network system having

components for executing the steps of a method as claimed in claims 40, 41, 45, 46, 73 or 79

(Col. 6, lines 31-60).

As to Claims 89/40,89/41,89/45,89/46,89/73,89/79, **Bateman** teaches a Computer software

having code for executing the steps of a method as claimed in claims 40, 41, 45, 46, 73 or 79

(Col. 6, lines 14-65).

Response to Arguments

3. Applicant's arguments filed in the 9/2/03 Remarks have been fully considered but they are not

persuasive because of the following:

(a) **Bateman** does not teach that agent address data is accessed via a public directory of a

public network.

Examiner respectfully disagrees. This is because **Bateman** teaches that agent data and

caller data are stored in the MM50 (public directory). This MM50 is searched for call back

information (callers addresses) and available agents (called party addresses) (Col. 7, lines 43-61).

(b) In **Bateman**, the agent does not access a public directory for customers address data.

Examiner respectfully disagrees because the claims do not recite a limitation for a B

party (agent) to access customer (caller) address information. However, **Bateman** does teach

such a limitation at Col. 7, lines 38-42. This passage teaches that agents are allowed to prioritize

and schedule call backs to callers who left messages.

(c) Examiner noted Applicants interest in discussing issues and respectfully invites Applicants

to contact Examiner to discuss possible amendments for overcoming the prior art of record.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Dezonno et al. (US 5,991,394) teach users browsing web servers and requesting call backs.

Uppaluru (US 5,915,001) teaches establishing personal directories and accessing white and

yellow page directories.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office

action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is

reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

6. Any response to this final action should be mailed to:

> **Box AF**
> > Commissioner of Patents and Trademarks
> > Washington, D.C. 20231

or faxed to:
> (703) 872-9314, (for formal communications; please mark "EXPEDITED PROCEDURE")
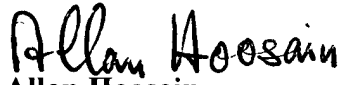
Or:
> (703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).
Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (703) 305-4895.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Allan Hoosain
Primary Examiner
11/24/03